

MICHAEL A. HESSION (SB # 219103)  
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Attorney for Certain Defendants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARION E. COIT on her behalf and on	)	
behalf of others similarly situated	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	CASE NO. C-08-02585 JCS
	)	
FIDELITY ASSURANCE ASSOCIATES	)	JOINT MOTION EXTENDING
LLC; FIDELITY OF GEORGETOWN,	)	TIME FOR CERTAIN
INC.; FINANCIAL SERVICES	)	DEFENDANTS TO RESPOND TO
CONSULTANTS, INC.; MILLS,	)	PLAINTIFFS' COMPLAINT
POTOCZAK & COMPANY; DULUDE &	)	
CARMOUCHE, INC.; RICHARD H.	)	
GUILFORD; BRAD C. THOMPSON;	)	
BRENDA TLUCZEK; WILLIAM J.	)	
CARMOUCHE; ESTUKO DULUDE; F.	)	
NEIL THOMPSON; ANTHONY FEUER	)	
and DOES 1 to 500, inclusive	)	
	)	
Defendants.	)	
	)	

**COMES NOW** Defendants Fidelity Assurance Associates, Inc., Fidelity of Georgetown, Inc., Financial Services Consultants, Inc., Mills, Potoczak & Company, Richard H. Guilford, Brad C. Thompson, Brenda Tluczek, William J. Carmouche and F. Neil Thompson (“Defendants”) and Plaintiff Marion E. Coit, individually and in her capacity as class representative for the proposed class of plaintiffs (“Plaintiffs”), by and through undersigned counsel, hereby jointly move this Court, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, to enter an Order providing that Defendants shall have ten (10) business days to respond to Plaintiffs’ Complaint running from either (1) the date this Court denies Plaintiffs’ Motion To Remand, or (2) should this Court grant Plaintiffs’ motion, the date on which the case is docketed in the State Court.

In support of this Consent Motion, Defendants and Plaintiff show this Court as follows:

1. This is the second requested extension of time to respond to Plaintiffs’ Complaint.

2. The requested extension is for a reasonable time.

3. Good cause exists for the extension in that Plaintiffs’ have expressed their intent to file a Motion To Remand the case to the State Court on June 23, 2008. In recognition that responding to the Complaint in the court that will ultimately hear the case will result in more efficient disposition of the matter, the parties agreed that Defendants’ will have ten (10) business days to respond to Plaintiffs’ Complaint running from either (1) the date this Court denies Plaintiffs’ Motion To Remand, or

(2) should this Court grant Plaintiffs' motion, the date on which the case is docketed in the State Court.

Neither party waives any right by the filing of this motion.

**WHEREFORE**, the parties respectfully request that this Court enter an Order providing that Defendants' will have ten (10) business days to respond to Plaintiffs' Complaint running from either (1) the date this Court denies Plaintiff's Motion To Remand, or (2) should this Court grant Plaintiffs' motion, the date on which the case is docketed in the State Court. A proposed Order is attached hereto as Exhibit A for the Court's consideration.

Respectfully submitted this 20th day of June, 2008.

s/ Morgan C. Smith  
Morgan C. Smith (SB # 168146)  
THE ARNS LAW FIRM  
515 Folsom Street, 3rd Floor  
San Francisco, CA 94105  
Telephone: 415-495-7800  
Facsimile: 415-495-7888  
E-mail: mcs@arnslaw.com

*Attorney for Plaintiff*

s/ Michael A. Hession  
Michael A. Hession (SB # 219103)  
LOCKE LORD BISSELL & LIDDELL  
LLP  
The Proscenium, Suite 1900  
1170 Peachtree Street, N.E.  
Atlanta, GA 30309  
Telephone: 404-870-4600  
Facsimile: 404-872-5547  
E-mail: mhession@lockelord.com

*Attorney for Certain Defendants*

*Coit v. Fidelity Assurance, et al.*

**CERTIFICATE OF SERVICE**

I, the undersigned, declare as follows:

I am a citizen of the United States, over the age of 18 years and not a party to, nor interested in, the above-entitled action. I am an employee of Locke Lord Bissell & Liddell LLP, A Professional Corporation, and my business address is The Proscenium, Suite 1900, 1170 Peachtree Street, N.E., Atlanta, GA 30309.

On June \_\_\_\_, 2008, I served the following Joint Motion Extending Time for Certain Defendants to Respond to Plaintiffs' Complaint on all interested parties in the above cause, by:

XX **REGULAR MAIL** by placing a true and correct copy thereof enclosed in a sealed overnight service envelope with postage thereon fully prepaid. Said envelope was thereafter deposited in the United States Mail at Atlanta, Georgia in accordance with this firm's business practice of collection and processing correspondence for mailing of which I am readily familiar. All correspondence is deposited with the United States Postal Service on the same day in the ordinary course of business.

       **OVERNIGHT MAIL** by placing a true and correct copy thereof enclosed in a sealed overnight service envelope with postage thereon fully prepaid. Said envelope was thereafter deposited in the United States Mail at Atlanta, Georgia in accordance with this firm's business practice of collection and processing correspondence for mailing of which I am readily familiar. All correspondence is deposited with the United States Postal Service on the same day in the ordinary course of business.

       **HAND DELIVERY** by placing a true and correct copy thereof enclosed in a sealed envelope with the name and address of the party to receive the document. Such document was then given to the service or individual signing the bottom of this Proof of Service showing delivery made.

       **FACSIMILE** by placing a true and correct copy thereof with a facsimile cover sheet showing service upon the following individuals.

The envelopes were addressed as follows:

Robert S. Arns  
Morgan C. Smith  
Jonathan E. Davis  
The Arns Law Firm  
515 Folsom Street, 3rd Floor  
San Francisco, CA 94105

Kathryn A. Stebner  
Stebner and Associates  
870 Market Street, Suite 1212  
San Francisco, CA 94102

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

Executed on June 20, 2008, at Atlanta, Georgia.

s/ Michael A. Hession  
Michael A. Hession

MICHAEL A. HESSION (SB # 219103)  
**LOCKE LORD BISSELL & LIDDELL LLP**  
The Proscenium, Suite 1900  
1170 Peachtree Street, NE  
Atlanta, GA 30309  
Tel: 404-870-4600  
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Attorney for Certain Defendants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARION E. COIT on her behalf and on	)	
behalf of others similarly situated	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	CASE NO. C-08-02585 JCS
	)	
FIDELITY ASSURANCE ASSOCIATES	)	PROPOSED ORDER FOR JOINT
LLC; FIDELITY OF GEORGETOWN,	)	MOTION EXTENDING TIME FOR
INC.; FINANCIAL SERVICES	)	CERTAIN DEFENDANTS TO
CONSULTANTS, INC.; MILLS,	)	RESPOND TO PLAINTIFFS'
POTOCZAK & COMPANY; DULUDE &	)	COMPLAINT
CARMOUCHE, INC.; RICHARD H.	)	
GUILFORD; BRAD C. THOMPSON;	)	
BRENDA TLUCZEK; WILLIAM J.	)	
CARMOUCHE; ESTUKO DULUDE; F.	)	
NEIL THOMPSON; ANTHONY FEUER	)	
and DOES 1 to 500, inclusive	)	
	)	
Defendants.	)	
	)	

**WHEREAS** Defendants Fidelity Assurance Associates, Inc., Fidelity of Georgetown, Inc., Financial Services Consultants, Inc., Mills, Potoczak & Company, Richard H. Guilford, Brad C. Thompson, Brenda Tluczek, William J. Carmouche and F. Neil Thompson (“Defendants”) and Plaintiff Marion E. Coit, individually and in her capacity as class representative for the putative class of plaintiffs (“Plaintiffs”), have consented that Defendants shall have ten (10) business days to respond to Plaintiffs’ Complaint running from either (1) the date this Court denies Plaintiffs’ Motion To Remand, or (2) should this Court grant Plaintiffs’ motion, the date on which the case is docketed in the State Court, and have moved this Court to issue an order allowing the same,

IT IS HEREBY ORDERED that Defendants shall have ten (10) business days to respond to Plaintiffs’ Complaint running from either (1) the date this Court denies Plaintiff’s Motion To Remand, or (2) should this Court grant Plaintiffs’ motion, the date on which the case is docketed in the State Court.

This \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
The Honorable Joseph C. Spero  
United States District Judge

s/ Morgan C. Smith  
Morgan C. Smith (SB # 168146)  
THE ARNS LAW FIRM  
515 Folsom Street, 3rd Floor  
San Francisco, CA 94105  
Telephone: 415-495-7800  
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1900 The Proscenium, 1170 Peachtree Street, NE  
Atlanta, GA 30309

*Attorney for Plaintiff*

*Attorney for Certain Defendants*

Coit v. Fidelity Assurance, et al.

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I, the undersigned, declare as follows:

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